

Town Board Minutes

Meeting No. 6

Special Meeting

March 4, 1996

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LANCASTER, NEW YORK
MARCH 8, 1996

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A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 4th day of March 1996, at 6:45 P.M. and there were

PRESENT: ROBERT H. GIZA, SUPERVISOR
DONALD E. KWAK, COUNCIL MEMBER
JOHN T. MILLER, COUNCIL MEMBER
MARK A. MONTOUR, COUNCIL MEMBER
DONNA G. STEPNIAK, COUNCIL MEMBER
FRANK M. DE CARLO, PLANNING BOARD MEMBER
JOHN P. GOBER, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
MELVIN H. SZYMANSKI, PLANNING BOARD MEMBER
MILDRED F. WHITTAKER, PLANNING BOARD MEMBER

ABSENT: REBECCA ANDERSON, PLANNING BOARD CHAIRMAN
DAVID MARRANO, PLANNING BOARD MEMBER

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
RICHARD J. SHERWOOD, TOWN ATTORNEY
JEFFREY H. SIMME, ASSISTANT BUILDING INSPECTOR

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of one action.

**IN THE MATTER OF THE SEQR REVIEW OF THE
LAKELAND LEASING ENTERPRISES SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Lakeland Leasing Enterprises site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD MEMBER GOBER, TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
LAKELAND LEASING ENTERPRISES SITE PLAN
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 5.84 acres.

The location of the premises being reviewed is situate on the south side of Walden Avenue (4429 Walden Avenue).

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.12.
- B. The action will receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
 - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

No adverse effects noted

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.
No adverse effects noted
- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.
No adverse effects noted
- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.
No adverse effects noted
- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.
No adverse effects noted
- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.
No adverse effects noted
- C.7 Other impacts (including changes in use of either quantity or type of energy).
No adverse effects noted
- D. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s _____
Robert H. Giza, Supervisor
Town of Lancaster

March 4, 1996

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and
and,

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

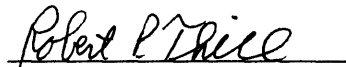
SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
PLANNING BOARD CHAIRMAN ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER DE CARLO	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER MARRANO	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD MEMBER WHITTAKER	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

March 4, 1996

ADJOURNMENT:

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 7:05 P.M.


Robert P. Thill, Town Clerk

Town Board Minutes

Meeting No. 7

Regular Meeting

March 4, 1996

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LANCASTER, NEW YORK
MARCH 4, 1996

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 4th day of March 1996 at 8:00 P.M. and there were

PRESENT: DONALD E. KWAK, COUNCIL MEMBER
JOHN T. MILLER, COUNCIL MEMBER
MARK A. MONTOUR, COUNCIL MEMBER
DONNA G. STEPNIAK, COUNCIL MEMBER
ROBERT H. GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
ROBERT H. LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, ASSISTANT BUILDING INSPECTOR
JOHANNA M. COLEMAN, RECEIVER OF TAXES

PERSONS ADDRESSING TOWN BOARD:

Juszczak, Joseph, 600 Pleasant View Drive, spoke to the Town Board on the following matters:

1. Sidewalk construction over a town bridge within Walden Trace Subdivision.
2. Sidewalks on Broadway, north side, just west of Grafton court.

Kubicki, Gloria, 15 Maple Drive, spoke to the Town Board on the following matter:

1. Installation of turn signal arrows at intersections of Pleasant View/Harris Hill and Genesee/Harris Hill.

Murray, Michael, 1A Slate Bottom Drive, spoke to the Town Board on the following matter:

1. Presented a report dated March 4, 1996 outlining his accomplishments as Recreation Director.

Baehre, David, 5755 Genesee Street, spoke to the Town Board on the following matter:

1. Relocation of Williamsville Toll barriers east of Transit Road.

Heckl, Robert, 706 Pavement Road, spoke to the Town Board on the following matter:

1. Requested an explanation of three proposed suspended resolutions, two prefiled resolutions, and several communications.

Dressel, Randi, 5011 William Street, spoke to the Town Board on the following matter:

1. Complained of a drainage problem on her property.

Knickerbocker, Dale, 5164 Transit Road, spoke to the Town Board on the following matters:

1. Requested a lengthening of the school day.
2. Proposed a dress uniform for our public school students.

Walters, Conrad, 29 Broezel Avenue, spoke to the Town Board on the following matter:

1. Asked the Town Board for justification in the restructuring of the Recreation Department.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER , TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town
Board held on February 26, 1996 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED
COUNCIL MEMBER MILLER	VOTED
COUNCIL MEMBER MONTOUR	VOTED
COUNCIL MEMBER STEPNIAK	VOTED
SUPERVISOR GIZA	VOTED

March 4, 1996

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster is desirous of making an appointment to the Zoning Board of Appeals to fill a vacancy created by the resignation of Thomas Anticola on January 12, 1996,

NOW, THEREFORE, BE IT

RESOLVED, that JOSEPH R. GIGLIA, 58 Cowing Street, Depew, New York 14043, be and is hereby appointed a member of the Zoning Board of Appeals of the Town of Lancaster for the period March 4, 1996 to December 31, 1996 which is the unexpired term of Thomas Anticola.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED
COUNCIL MEMBER MILLER	VOTED
COUNCIL MEMBER MONTOUR	VOTED
COUNCIL MEMBER STEMPNIAK	VOTED
SUPERVISOR GIZA	VOTED

March 4, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Burke Brothers Construction Inc., S5540 Southwestern Blvd.,
Hamburg, New York 14075, has applied to the Town Board of the Town of
Lancaster a for permit to construct a Public Improvement upon real property in
the Town of Lancaster within Hunters Creek North Subdivision,

WHEREAS, the Town Engineer of the Town of Lancaster has certified
on the following permit application that he has reviewed the improvement plans
and permit application for the installation of the public improvement
requested, and that it conforms to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 433 of
Burke Brothers Construction, Inc., New York, for the installation of:

P.I.P. No. 433 - Installation of street lights
(Street Lights)

be and is hereby approved and the installation of the improvement requested be
and is hereby authorized.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

March 4, 1996

File: RPIP (P3)

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER STEMPNIAR, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50 - Zoning - Section 17 (F) of the Code of the Town of Lancaster, upon the application of SUSAN T. PALUMBO, for a Special Use Permit for a Home Occupation (Beauty Salon) on premises locally known as 9 Brunck Road in the Town of Lancaster, Erie County, New York, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to Chapter 50 - Zoning - Section 17 (F), entitled "Home Occupation", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to SUSAN T. PALUMBO for a Home Occupation (Beauty Salon) on premises locally known as 9 Brunck Road in the Town of Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, with the stipulation that not more than four (4) client cars be parked on or adjacent to the property at any given time;

2. That the applicant will continue in compliance with conditions numbered One through Four as set forth in Chapter 50, Section F of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:

- a. Only persons residing on the premises shall be engaged in such an occupation.
- b. The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. The area devoted to the home occupation shall not exceed twenty-five percent (25%) of the ground floor area of the principal structure. It may be within the principal accessory structure.
- c. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation.

- d. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference perceptible to the normal senses off the lot.
- e. There shall be no outdoor sign advertising this business.

3. This Special Use Permit terminates when the applicant no longer resides on the premises.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STERN	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 4, 1996

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER STEMPNIAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to amend Section 50-43 (C) Site Plan Review, of Chapter 50, Zoning, of the Code of the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a Public Hearing on a proposed amendment to Section 50-43 (C) of Chapter 50 Zoning, of the Code of the Town of Lancaster, County of Erie and State of New York will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 18th day of March, 1996, at 8:10 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, and that Notice of the time and place of such hearing be published on or before the 7th day of March, 1996, in the Lancaster Bee, the official newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 4, 1996

LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 4th day of March, 1996, the said Town Board will hold a Public Hearing on the 18th day of March, 1996 at 8:10 o'clock P.M., local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to Section 50-43 (C) Site Plan Review, of Chapter 50 Zoning of the Code of the Town of Lancaster:

CHAPTER 50 - ZONING

Section 50-43, Site Plan, of Chapter 50, Zoning, of the Code of the Town of Lancaster shall be amended by adding thereto the following:

Section 50-43. Site Plan Review.

.

C.

(6) Town Board Proceedings.

a) Town Board Action.

[1] Following completion of Planning Board review and upon receipt of Planning Board's report regarding site plan, the Town Board shall within sixty (60) days:

- (i) Refer back to Planning Board for additional data, if necessary.
- (ii) Approve the site plan.
- (iii) Approve the site plan with conditions limiting the use and the occupancy of the land or proposed buildings consistent with the intent and purposes of this Ordinance."

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: ROBERT P. THILL
Town Clerk

March 4, 1996

File: RZONORDH.304

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
MILLER, TO WIT:

WHEREAS, THE LEAHY COMPANY, 53 South Moger Avenue, Mount Kisco, New York 10549-2211, has submitted a letter offer dated January 23, 1996, relative to its Workers' Compensation Insurance Premium Recovery Service, and

WHEREAS, the purpose of this letter offer is to renew the Town's experience history, and obtain an amended Rating Modification in order to realize a refund or credit, for a fee of 40% of the actual refunded premiums the Town receives as a result of this review;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute the Letter Offer of The Leahy Company, 53 South Moger Avenue, Mount Kisco, New York 10549-2211, dated January 23, 1996, for the before mentioned services, for a fee of 40% of the actual refunded premiums the Town receives, with the understanding that if there is no recovery, there is no fee.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

MARCH 4, 1996

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GIZA, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCIL MEMBER STEMPNIAK ,
TO WIT:

WHEREAS, the Lancaster New York Historical Society has leased the
Fanny Potter Eaton Home for use as the Town of Lancaster Historical Museum,
and

WHEREAS, the said Historical Society has requested that the Town
waive the rental payments due in 1996 in light of capital contributions by the
Historical Society, and

WHEREAS, it is the intention of the Town Board of the Town of
Lancaster, on behalf of the Town of Lancaster, to jointly maintain said
historical edifice for public use with the Historical Society;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby waives
the 1996 rent due the Town of Lancaster under the terms of the Lease Agreement
dated December 4, 1991, between the Town of Lancaster and the Lancaster New
York Historical Society, for the leasing of the Fanny Potter Eaton Home on
Clark Street in the Village of Lancaster.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 4, 1996

File: RLSHISTM.M96

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GIZA, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCIL MEMBER MILLER ,
TO WIT:

WHEREAS, the Assessor of the Town of Lancaster has apprised and documented to the Town Board that she has twenty-one (21) hours of vacation accrued which she cannot take by her anniversary date, and

WHEREAS, the Town Board must allow for an exception to the Personnel Rules for Town Employees to permit the carryover of vacation time to the following year;

NOW, THEREFORE, BE IT

RESOLVED, that the Assessor of the Town of Lancaster shall be permitted to carryover her unused twenty-one (21) hours of vacation time to his next year of service with the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 4, 1996

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER MONTGOMERY, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK, TO WIT:

BOND RESOLUTION OF THE TOWN OF LANCASTER, NEW YORK,
ADOPTED MARCH 4, 1996 AUTHORIZING THE
ACQUISITION OF VARIOUS EQUIPMENT FOR USE BY THE
TOWN HIGHWAY DEPARTMENT, STATING THE ESTIMATED
TOTAL COST THEREOF IS \$380,000, APPROPRIATING SAID
AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF
\$380,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID
APPROPRIATION.

THE TOWN BOARD OF THE TOWN OF LANCASTER, IN THE COUNTY
OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not
less than two-thirds of all the members of said Town Board) AS
FOLLOWS:

Section 1. The Town of Lancaster, in the County of
Erie, New York (herein called "Town"), is hereby authorized to
acquire various equipment for use by the Town Highway Department.
The estimated total cost of said class of objects or purposes,
including preliminary costs and costs incidental thereto and to
the financing thereof, is \$380,000 and said amount is hereby
appropriated therefor. The plan of financing includes the
issuance of \$380,000 serial bonds of the Town to finance said
appropriation, and the levy and collection of taxes on all the
taxable real property in the Town to pay the principal of said
bonds and the interest thereon as the same shall become due and
payable.

Section 2. Serial bonds of the Town in the principal amount of \$380,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of said class of objects or purposes for which said \$380,000 serial bonds authorized pursuant to this resolution are to be issued, within the limitations of Section 11.00 a. 28. of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any

notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes, and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and any other bonds heretofore or hereafter authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of the sale of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum.

* * *

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 4, 1996

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER MONTOUR , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

THE TOWN BOARD OF THE TOWN OF LANCASTER, IN THE COUNTY
OF ERIE, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town Clerk of said Town of Lancaster
shall, within ten (10) days after the adoption of this
resolution, cause to be published, in full, in the "LANCASTER
BEE," a newspaper published in Buffalo, New York, having a
general circulation within said Town and hereby designated the
official newspaper of the Town for such publication, and posted
on the sign board of the Town maintained pursuant to the Town
Law, a Notice in substantially the following form:

TOWN OF LANCASTER, NEW YORK

PLEASE TAKE NOTICE that on March 4 , 1996, the Town Board of the Town of Lancaster, in the County of Erie, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Lancaster, New York, adopted March 4, 1996, authorizing the acquisition of various equipment for use by the Town Highway Department, stating the estimated total cost thereof is \$380,000, appropriating said amount therefor, and authorizing the issuance of \$380,000 serial bonds of said Town to finance said appropriation,"

an abstract of which bond resolution, concisely stating the purpose and effect thereof, is as follows:

FIRST: AUTHORIZING said Town to acquire various equipment for use by the Town Highway Department; STATING the estimated total cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and to the financing thereof, is \$380,000; APPROPRIATING said amount therefor; and STATING the plan of financing includes the issuance of \$380,000 serial bonds of the Town to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$380,000 serial bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness to be fifteen (15) years; the proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$380,000 serial bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: March 4, 1996

Robert P. Thill
Town Clerk

Section 2. After said bond resolution shall take effect, the Town Clerk is hereby directed to cause said bond resolution to be published, in full, in the newspaper referred to in Section 1 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York.

Section 3. This resolution shall take effect immediately.

* * *

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 4, 1996

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER STEMPIAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
MILLER , TO WIT:

WHEREAS, the Town of Lancaster employs a full-time inspector through the Building Inspector's Office on the Tops warehouse project for the structural element of construction and the Building Inspector has also caused regular, daily inspection of the site, but due to the balance of duties in his department is constrained from full-time inspection of the site development, and

WHEREAS, the Town Engineer has a full time inspector for Public Improvements on staff, but with duties of the Town Engineer and the inspection schedule of public improvements, this office also is unable to post a full-time inspector, and

WHEREAS, the site development on this project has now entered a phase where the Town Board deems it prudent to have full-time site development inspection to assure compliance with final design and conformance with mitigative measures outlined in the SEQR review, and

WHEREAS, the Town Board has conferred on the use of an outside inspector for the Tops Warehouse project to supplement the inspection being done by the Building Inspector's office and the Town Engineer, and

WHEREAS, utilization of these services would add an additional level of assurance that the final site design, drainage control and landscape plan conform to the mitigation elements identified in the SEQR process, and

WHEREAS, Clough, Harbour & Associates, Inc., has familiarity with this project by reason of its experience with the SEQR procedure as consultant to the Town and as an engineering firm has the appropriate personnel to carry out full time field inspection during site development;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute an Agreement with Clough, Harbour & Associates, Inc., on the terms outlined in its letter proposal for full time inspection of the site development at the Tops Warehouse project to be paid out of the funds derived from the building permit fees paid on this project.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 4, 1996

THE FOLLOWING RESOLUTION WAS OFFERED BY
SUPERVISOR GIZA, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCIL MEMBER MONTOUR ,
TO WIT:

WHEREAS, Motorists residing in Northeastern towns of Erie County travel regularly to Buffalo, and utilize the section of the New York State Thruway between the Transit Road Interchange, (Exit 49), and the Williamsville Toll Barrier (Exit 50), requiring a 15-cent toll and frequently entailing traffic delays at both locations, especially at rush hours, and

WHEREAS, the existence of the 15-cent toll discourages many motorists from using the Transit Road to Williamsville section of the Thruway, despite its status as the logical, major route to Buffalo, placing heavier demands on other roads and highways in that area, and generating additional traffic congestion, and

WHEREAS, a substantial population shift within Erie County in recent years, since the Williamsville Toll Booth was established at its present location, has accelerated traffic flow in the Northeast, including commuter travel to Buffalo, and

WHEREAS, the relocation of the Williamsville Toll Barrier, to a point east of Transit Road, would represent a positive step for the county and its residents, encouraging greater use of the Thruway, reducing travel costs for commuters, and reducing traffic congestion, and

WHEREAS, extensive recent commercial development on Transit Road, including the largest shopping mall in Erie County, has generated a substantial increase in the number of motorists requiring easy access to the Transit Road area, and

WHEREAS, costs of relocating the Williamsville Toll Barrier east of Transit Road could be offset, at least partially, by eliminating personnel costs at the Transit Road Interchange and reducing maintenance costs at that interchange, and

WHEREAS, the New York State Legislature has previously endorsed the concept of relocating the Williamsville Toll Barrier, indicating that although the project was not given final approval for funding, it nevertheless had sufficient merit to reach advanced planning stages;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1 That the Town Board of the Town of Lancaster hereby requests the New York State Thruway Authority to study the feasibility of relocating the Williamsville Toll Barrier to a point east of Transit Road to encourage greater use of that section, reduce commuter travel costs and ease traffic congestion;

2. That the Thruway Authority is also requested to issue a report on the study to the Town of Lancaster, taking into consideration the reduced personnel and maintenance costs at the Transit Road Interchange resulting from the proposed change;

3. That the Town Clerk is hereby directed to furnish certified copies of this resolution to the Clerk of the Erie County Legislature; State Senators Dale M. Volker and Mary Lou Rath and Assemblyman Richard R. Anderson and Assemblywoman Sandra Lee Wirth; the New York State Thruway Authority and the Governor of New York State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 4, 1996

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER MILLER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR , TO WIT:

WHEREAS, the Town of Lancaster has heretofore entered into a contract with Ecology and Environment, Inc., to furnish emergency response personnel and technical experts for consultation with the Hazmat Team at Lancaster, New York, with regard to any occurrence posing a possibility of imminent harm to persons, property or the environment, which contract expired, according to its terms, December 31, 1995, and

WHEREAS, the Town Board deems it in the public interest and safety to renew said Agreement with Ecology and Environment to provide the aforementioned service to the Disaster Preparedness Department of the Town of Lancaster in accordance with the Agreement as proposed by Ecology and Environment, Inc., and incorporated herein by reference;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute a one-year Agreement with Ecology and Environment, Inc., commencing January 1, 1996 and terminating December 31, 1996, for the sum of \$2,500.00 to provide the services above mentioned.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	ABSTAINED N.B.-1-
SUPERVISOR GIZA	VOTED YES

N.B.-1- Council Member Stempniak abstained due to the fact that her sister-in-law is an employee of Ecology and Environment, Inc.

March 4, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 6861 to Claim No. 6966 Inclusive

Total amount hereby authorized to be paid: **\$1,600,883.37**

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STERN	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 4, 1996

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER SIEMENIAK TO WIT:

RESOLVED, that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODE:

(SW) = Sidewalks as required by Chapter 12-1B of the Code of the Town of Lancaster are waived for this permit.

No	Code Applicant	Street Address	Structure
3150	Regency Homes	6 Traceway	Er. Sin. Dwlg
3151	Marrano/Marc Equity	32 Whitestone Ln	Er. Sin. Dwlg
3152	Marrano/Marc Equity	86 Old Post Rd	Er. Sin. Dwlg
3153	Forbes Homes	5076 William St	Er. Sin. Dwlg
3154	M.J. Ogiony Bldrs	25 Clermont Ct	Er. Sin. Dwlg
3155	M J Ogiony Bldrs	25 Clermont Ct 5080 William St (nd)	Er. Sin. Dwlg
3156	Regency Homes	15 Clermont Ct	Er. Sin. Dwlg
3157	Sally Brennan	14 Hampton Ct	Er. Fence
3158	Buffalo Realty Co	48 Freeman Dr	Er. Sign
3159	Stratford Homes Inc	10 Traceway	Er. Sin. Dwlg

and,

BE IT FURTHER

RESOLVED, that the Building Permit applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the provisions of Chapter 12-1B of the Code of the Town of Lancaster which requires sidewalks in front of every new home.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 4, 1996

Council Member Montour requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER MONTOUR, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
MILLER, TO WIT:

A RESOLUTION PROVIDING FOR THE TRANSFER AND
ASSIGNMENT OF A CABLE TELEVISION FRANCHISE

WHEREAS, the Town of Lancaster, New York (the "Town") has granted to Cable TV Fund 11-B, Ltd., a Colorado limited partnership doing business as Jones Intercable ("Jones"), as successor to Global Cable TV, Inc., a franchise to operate a cable television system pursuant to CATV Franchise dated October 16, 1981, and Cable Television Commission Order No. 81-252 adopted November 20, 1981, as amended by (i) Resolution dated January 16, 1984, (ii) Cable Television Commission Order No. 84-019 adopted February 8, 1984, and (iii) Cable Television Commission Order No. 91-581 adopted December 11, 1991 (collectively, the "Franchise"), and

WHEREAS, Jones has negotiated a Purchase and Sale Agreement (the "Purchase Agreement") with an affiliate of Adelphia Communications Corporation ("Adelphia"), pursuant to which Adelphia or one of its affiliates will acquire substantially all of the assets of the cable television system serving the Town (the "System"), including its rights under the Franchise;

WHEREAS, Jones and Adelphia have filed a Form 394 with the Town relating to the transfer of the Franchise; and

WHEREAS, Jones and Adelphia will make application to the New York State Commission on Cable Television for approval of the transfer of the Franchise;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Lancaster, New York, as follows:

1. The Town authorizes and consents to, in all respects, the assignment and transfer of the Franchise by Jones to Adelphia or one of its affiliates, and the assumption by Adelphia or such affiliate of the obligations of the franchisee under the Franchise that relate to periods from and after the date of closing of the Purchase Agreement.

2. The foregoing consent to the assignment and transfer of the Franchise shall be effective upon the closing of the sale of the System. Notice of such closing date shall be given to the Town.

3. The Town confirms and agrees that: (a) the Franchise was properly granted and is in accordance with all state and local laws; (b) the Franchise is validly existing and in full force and effect; (c) there exists no fact or circumstance which, with the passage of time or the giving of notice or both, would constitute a default under the Franchise, or permit the Town to cancel or terminate the rights under the Franchise, except upon the expiration of the full term of the Franchise; and (d) the Franchise may be collaterally assigned to the franchisee's lenders.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 4, 1996

Council Member Montour requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER MONTOUR , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK , TO WIT:

WHEREAS, the Town of Lancaster is obligated by law for bridge maintenance and construction on bridges within the Village of Lancaster, and

WHEREAS, the Village of Lancaster is in the process of reconstructing Clark Street on an existing bridge spanning Plumb Bottom Creek, and

WHEREAS, the Town Board has determined, after consultation with the Town Highway Superintendent, that this bridge is in need of reconstruction, and

WHEREAS, after due review and consideration, the Town Board has further determined that it would be cost efficient to utilize the engineering services of the Village's consulting engineer, employed for the reconstruction of the street, for engineering services for the reconstruction of the bridge also, and to further enter into an agreement with the Village of Lancaster to permit their invitation of bid to be correlated through the Village for the street and bridge as a single project, with the Town then compensating the Village/Contractor, for the town's portion of this project, being the bridge reconstruction;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement with EMS Consulting, which is the firm employed by the Village for the reconstruction of Clark Street, with the Town employing this firm in the capacity as consulting engineer on the Clark Street Bridge reconstruction; and

2. The Town Board hereby authorizes the Supervisor to enter into an agreement with the Village of Lancaster, which agreement shall provide for the coordination of the invitation to bid for the project, as well as the payment schedule for the bridge portion of the project.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 4, 1996

Council Member Stempniak requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER STEMPNIAK , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR , TO WIT:

WHEREAS, a Public Hearing was held on the 26th day of February, 1996 on the Petition of NIAGARA LUTHERAN HOME & REHABILITATION CENTER, 64 Hager Street, Buffalo, New York, for the rezone of certain property located on the south side of Broadway, east of Cemetery Road and locally known as 5949 Broadway, in the Town of Lancaster, New York, for the rezone of said property from an MFR 3 - Multi-Family District Three and AR-Agricultural-Residential District to an RCO-Residential Commercial Office District, and

WHEREAS, a Notice of said Public Hearing has been duly published and posted, and

WHEREAS, in accordance with Section 239(m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from an MFR 3 - Multi-Family District Three and AR-Agricultural-Residential District to an RCO-Residential Commercial Office District:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York being part of Lot Number 9, Section 4, Township 11, Range 6 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point in the center line of Broadway, being two thousand seven hundred seventeen and eighty-four hundredths (2,717.84) feet west of its intersection with the center line of Pavement Road which is the east line of Lot Number Seven (7);

THENCE southerly parallel to the east bounds of Lot Number Nine (9), a distance of forty-two and thirty-two hundredths (42.32) feet to the actual point of beginning, which point of beginning is the northwest corner of premises at 5977 Broadway;

THENCE continuing southerly, parallel with the east line of Lot Number Nine (9), a distance of one hundred eighty-two and sixty-eight hundredths (182.68) feet;

THENCE easterly two hundred forty-nine and sixty-four hundredths (249.64) feet to a point;

THENCE southerly at an interior angle of $103^{\circ}00'15''$, a distance of one hundred twenty-five (125.0) feet;

THENCE easterly at an exterior angle of $103^{\circ}00'15''$, a distance of one hundred seventy-five (175.0) feet to the east line of Lot Number Nine (9);

RUNNING THENCE southerly along the east line of Lot Number Nine (9), one hundred fifty (150.0) feet to the northeast corner of lands conveyed to Cayuga Heights Holding Corp., by deed recorded in the Erie County Clerk's Office in Liber 1865 of Deeds at Page 346;

RUNNING THENCE northwesterly along the northeasterly line of said lands six hundred eighty-two and seventy-nine hundredths (682.79) feet (682.14 record) to the northwest corner of said lands conveyed to Cayuga Heights Holding Corp., said point being in the westerly line of lands conveyed to Eugene I. Mang by deed recorded in the Erie County Clerk's Office in Liber 1131 of Deeds at Page 114;

THENCE southerly along the west line of premises described in Liber 1865 of Deeds at Page 346, a distance of two thousand seven hundred seventy-four and twenty-five hundredths (2,774.25) feet to the south line of Lot Number Nine (9);

THENCE westerly along said south line of Lot Number Nine (9), six hundred seventy-six and fifteen hundredths (676.15) feet to a point in the west bounds of Lot Number Nine (9);

THENCE northerly at an interior angle of $90^{\circ}00'20''$ along the west bounds of Lot Number Nine (9), a distance of three thousand three hundred eighty and four hundredths (3,380.04) feet to the south bounds of Broadway;

THENCE easterly along the south bounds of Broadway, a distance of three hundred seventy-eight and sixty-three hundredths (378.63) feet;

THENCE southerly at an interior angle of $102^{\circ}42'15''$ a distance of one hundred seventy-nine and sixty-five hundredths (179.65) feet;

THENCE easterly, parallel with the south line of Broadway a distance of three hundred seven and ninety-two hundredths (307.92) feet;

THENCE southerly along the west line of premises described in Liber 1131 of Deeds at Page 114, a distance of seventy-five (75.0) feet;

THENCE easterly at an exterior angle of $103^{\circ}00'15''$ a distance of one hundred eighty-three and fifteen hundredths (183.15) feet;

THENCE northerly at an exterior angle of $76^{\circ}59'45''$, a distance of three hundred (300.0) feet to the center line of Broadway;

THENCE easterly along said center line a distance of seventy-five (75.0) feet to the point or place of beginning.

2. That said Ordinance Amendment be added in the minutes of the Town Board of the Town of Lancaster held on the 4th day of March, 1996.

3. That a certified copy thereof be published in the Lancaster Bee on or before the 7th day of March, 1996.

4. That Affidavits of Publication be filed with the Town Clerk;
and

5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

March 4, 1996

LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
NIAGARA LUTHERAN HOME

LEGAL NOTICE IS HEREBY GIVEN, that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of said Town is hereby changed so that the real property hereinafter described is changed from an MFR-3 Multi-family District Three and AR-Agricultural Residential District to an RCO-Residential Commercial Office District:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Lancaster, County of Erie and State of New York being part of Lot Number 9, Section 4, Township 11, Range 6 of the Holland Land Company's Survey bounded and described as follows:

BEGINNING at a point in the center line of Broadway, being two thousand seven hundred seventeen and eighty-four hundredths (2,717.84) feet west of its intersection with the center line of Pavement Road which is the east line of Lot Number Seven (7);

THENCE southerly parallel to the east bounds of Lot Number Nine (9), a distance of forty-two and thirty-two hundredths (42.32) feet to the actual point of beginning, which point of beginning is the northwest corner of premises at 5577 Broadway;

THENCE continuing southerly, parallel with the east line of Lot Number Nine (9), a distance of one hundred eighty-two and sixty-eight hundredths (182.68) feet;

THENCE easterly two hundred forty-nine and sixty-four hundredths (249.64) feet to a point;

THENCE southerly at an interior angle of $103^{\circ}00'15''$, a distance of one hundred twenty-five (125.0) feet;

THENCE easterly at an exterior angle of $103^{\circ}00'15''$, a distance of one hundred seventy-five (175.0) feet to the east line of Lot Number Nine (9);

RUNNING THENCE southerly along the east line of Lot Number Nine (9), one hundred fifty (150.0) feet to the northeast corner of lands conveyed to Cayuga Heights Holding Corp., by deed recorded in the Erie County Clerk's Office in Liber 1865 of Deeds at Page 346;

RUNNING THENCE northwesterly along the northeasterly line of said lands six hundred eighty-two and seventy-nine hundredths (682.79) feet (682.14 record) to the northwest corner of said lands conveyed to Cayuga Heights Holding Corp., said point being in the westerly line of lands conveyed to Eugene I. Mang by deed recorded in the Erie County Clerk's Office in Liber 1131 of Deeds at Page 114;

THENCE southerly along the west line of premises described in Liber 1865 of Deeds at Page 346, a distance of two thousand seven hundred seventy-four and twenty-five hundredths (2,774.25) feet to the south line of Lot Number Nine (9);

THENCE westerly along said south line of Lot Number Nine (9), six hundred seventy-six and fifteen hundredths (676.15) feet to a point in the west bounds of Lot Number Nine (9);

THENCE northerly at an interior angle of $90^{\circ}00'20''$ along the west bounds of Lot Number Nine (9), a distance of three thousand three hundred eighty and four hundredths (3,380.04) feet to the south bounds of Broadway;

THENCE easterly along the south bounds of Broadway, a distance of three hundred seventy-eight and sixty-three hundredths (378.63) feet;

THENCE southerly at an interior angle of $102^{\circ}42'15''$ a distance of one hundred seventy-nine and sixty-five hundredths (179.65) feet;

THENCE easterly, parallel with the south line of Broadway a distance of three hundred seven and ninety-two hundredths (307.92) feet;

THENCE southerly along the west line of premises described in Liber 1131 of Deeds at Page 114, a distance of seventy-five (75.0) feet;

THENCE easterly at an exterior angle of 103 00'15" a distance of one hundred eighty-three and fifteen hundredths (183.15) feet;

THENCE northerly at an exterior angle of 76 59'45", a distance of three hundred (300.0) feet to the center line of Broadway;

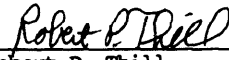
THENCE easterly along said center line a distance of seventy-five (75.0) feet to the point or place of beginning.

March 4, 1996

STATE OF NEW YORK:
COUNTY OF ERIE : ss:
TOWN OF LANCASTER:

This is to certify that I, ROBERT P. THILL, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of NOTICE OF AMENDMENT TO ZONING ORDINANCE AND ZONING MAP with the original thereof filed in my office at Lancaster, New York, on the 4th day of March, 1996, and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 4th day of March, 1996.


Robert P. Thill
Town Clerk

COMMUNICATIONSDISPOSITION

156. Building Inspector to Town Board - Comments re: concern of the Bowmansville Vol. Fire Dept., Inc	<u>PUBLIC SAFETY COMMITTEE</u> _____ _____
157. Police Chief to Rose Piccolo - Recognition and appreciation for dedication to a member of the Senior Citizen Center.	<u>R & F</u> _____ _____
158. Town Clerk to Town Board - Transmittal of Variance petition for meeting March 14, 1996.	<u>R & F</u> _____ _____
159. NYSDOT to Deputy Town Attorney - Comments re: SEQR Review of Commercial Center E. Side Transit Rd. (6363 & 6367 Transit Rd).	<u>PLANNING AND ZONING</u> <u>COMMITTEE</u> _____ _____
160. NYSDOT to Town Attorney - Comments re: SEQR Review Tops Markets & Retail Plaza Transit & Rehm Roads.	<u>PLANNING AND ZONING</u> <u>COMMITTEE</u> _____ _____
161. NYSDOT to Dep. Town Attorney - Designation of Town as SEQR Lead Agency for Commercial Retail Center Transit Road	<u>PLANNING AND ZONING</u> <u>COMMITTEE</u> _____ _____
162. ECDEP to Dep. Town Attorney - Comments regarding SEQR Referral Review, Lead Agency Designation Action: Bella Vista Commercial Center.	<u>PLANNING AND ZONING</u> <u>COMMITTEE</u> _____ _____
163. NYSDOT to Town Attorney - Comments regarding Tops Market & Retail Plaza Transit & Rehm Rd.	<u>PLANNING AND ZONING</u> <u>COMMITTEE</u> _____ _____
164. NYSDOT to Dep. Town Attorney - Comments regarding SEQR Review of Commercial Retail Center E. side Transit Rd.	<u>PLANNING AND ZONING</u> <u>COMMITTEE</u> _____ _____
165. EMS Consulting to NYSDOT - Response to comments re: Proposed Tops Market Retail Plaza Transit and Rehm Road.	<u>PLANNING AND ZONING</u> <u>COMMITTEE</u> _____ _____
166. Town of Marilla to Town Of Lancaster - Transmittal of legal Notice of Public Hearing for an Amendment to Zoning Law.	<u>BUILDING INSPECTOR</u> _____ _____
167. Town Clerk to Various Newspapers - Transmittal of legal for SEQR review meeting for Lakeland Leasing Enterprises.	<u>R & F</u> _____ _____
168. NYSDOT to Dep. Town Attorney - Transmittal of comments re: SEQR Review of Lakeland Warehouse Expansion.	<u>PLANNING AND ZONING</u> <u>COMMITTEE</u> _____ _____
169. NYSDOT to Dep. Town Attorney - Transmittal of designation of Lead Agency for proposed expansion of Lakeland Warehouse.	<u>PLANNING AND ZONING</u> <u>COMMITTEE</u> _____ _____
170. ECDEP to Dep. Town Attorney - Comments re: SEQR referral review lead agency designation Lakeland Warehouse.	<u>PLANNING AND ZONING</u> <u>COMMITTEE</u> _____ _____
171. Dormitory Authority of State of New York to Town Attorney - Transmittal of notice of cancellation of Temporary Occupancy Agreement.	<u>R & F</u> _____ _____
172. Town Attorney to Town Board - Comments regarding informal agreement with Village for the cost of water line on Jaycee Pkwy.	<u>R & F</u> _____ _____

COMMUNICATIONSDISPOSITION

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| 173. The Leahy Company to Supervisor -
Transmittal of agreement relative to Workers
Compensation Insurance Premium Recovery
Service. | R & F |
| 174. Village of Depew Mayor to Town Attorney -
Comments re: Agreement for assessing services. | TOWN ATTORNEY
ASSESSOR
SUPERVISOR |
| 175. Lancaster Historical Society to Supervisor -
Request permission to sell geraniums in
front of Town Hall May 17, 18, 1996. | R & F |
| 176. Resident to Supervisor -
Transmittal of appreciation and thanks to
Building Inspector for prompt action. | R & F |
| 177. NYS Thruway Authority To Supervisor -
Notice of his appointment of Chairman
of the Thruway Authority and Canal Corp.
with a pledge of commitment. | R & F |
| 178. EC Dept. of Emergency Services to Town Board -
Transmittal of a notice of a Spring Flood
Preparedness Seminar March 21, 1996. | R & F |
| 179. Modern Disposal Services to Supervisor -
Announcement of expansion/renewal Solid
Waste Management Permit from NYSDEC. | R & F
SOLID WASTE COMMITTEE |
| 180. Building Inspector to Department Heads -
Notice of vacation March 4, 1996 through
March 8, 1996 and appointment of Jeff Simme
to serve in his absence. | R & F |
| 181. Building Inspector to Supervisor -
Comments regarding distribution of recycling
bins and various Town literature. | R & F |
| 182. Town Engineer to Supervisor And Council Members -
Comments regarding Construction Inspector's
salary. | R & F |
| 183. Fire Inspector to Supervisor -
Request for yellow five foot high markers
to be installed alongside fire hydrants. | PUBLIC SAFETY COMMITTEE |
| 184. LIDA to Supervisor -
Comments regarding Town of Lancaster
Industrial Development Agency Uniform
PILOT Policy. | R & F |
| 185. Director of Safety Committee to Town Employees -
Notice of next meeting date of March 21, 1996. | R & F |
| 186. NYSDOT to Town Clerk -
Notice of completion of contract for
reconstruction work on Routes 354 and 20. | R & F |

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER KWAK, AND SECONDED BY THE ENTIRE TOWN
BOARD AND CARRIED, the meeting was adjourned at 9:55 P.M.

Signed

Robert P. Thill

Robert P. Thill, Town Clerk